A REVIEW OF THE STATE OF THE BRITISH NATION.

Saturday, December 17. 1709.

AND now, Gentlemen, that we may turn the Tables a little in *Scotland* to your general Information, and, I hope, to your Satisfaction—I shall let you see something of the Treatment, the eſtabliſh'd Church of *Scotland* receives as well as what ſhe gives—Hitherto you have been told much of Perſecution, and the Kirk perſecuting the *Epiſcopal* People—Now, I am of the Opinion, if any of you were to be upon the Spot, and to ſee, what is really done by one ſide and t'other, you would ſay—That really the *Epiſcopal* People perſecute the Church, and not the Church them——If the Inſults, the Intruſions, the defying their Power, declining their Judicatories, ſenſeleſs and irregular Appeals from their Sentences, poſſeſſing the Churches, ſhutting the Miniſters out of the *Manſes* or Parſonage-Houſes, and refuſing the Stipends; if mobbing and rabbling the Miniſters, ſtoning the Presbyteries, and all poſſible Affronts and Indignities offer'd to the Church in general, and their Proceedings in particular, be Perſecution, then is the Church of *Scotland* really perſecuted.

And all this She ſuffers, while Acts of Parliament, Proclamations, Treaties of Union, and the Power of the Civil Magiſtrates are all on her Side—— Not *England* being engag'd to keep the Union entire, not the ſolemn Ratification of that Treaty, in which the Act of Security of the Church

is

s entorporated, not the Queen's Reſolution of ſupporting and maintaining the Church in its legal Conſtitution, expreſs'd in her Majeſty's Letters to *Scotland*, not the Civil Power; in ſhort nothing can procure that Church the peaceable Poſſeſſion of her eſtabliſh'd Liberties, but ſhe has a Conſtitution and no Conſtitution; ſhe is as it were eſtabliſh'd, and not eſtabliſh'd; ſhe is harraſs'd, inſulted, clamour'd, and mal-treated on all Hands; and if ſhe offers to put the Laws in Execution in her own Defence, if ſhe claims the Protection of the Civil Magiſtrate, if ſhe flies for Succour to the Government under any of theſe Inſults—Then the Party in *England* cries out of Perſecution; and behold (God forgive your Blindneſs) you ſuffer your ſelves to be impos'd upon by the Artifice, and you ſay ſo too—You *Whigs*, I mean, you ..... *ſomething elſe* I ſhould ſtile you——That ſeem willing to have *Jacobitiſm* and Faction trample down Revolution and Eſtabliſhment, even before your Faces—— As if the Experiment being made in *Scotland* with Succeſs, it would not ſome time or other reach home to your ſelves——and be felt even by your own Families, or your Poſterity; and well you would deſerve to feel it.

And now, that you may not take this upon Truſt, or that *in ſuch an unbelieving Age as this*, you may not take Things upon my bare reporting—— I ſhall proceed for Proof to give you Authentick Teſtimonies of Matters of Fact—as they are conſtantly brought in before the Judicatories of the Church, the Civil or Criminal Courts in *Scotland*, whoſe Probation no Man ſhall be able to confute—— And not to crowd you too much, I ſhall give you only one or two at a Time—perhaps they may laſt the longer.

The following Inſtance is of four *Epiſcopal* Preachers—Their Attempt has been intruding into Pariſh-Churches—One or Two which they ſtill poſſeſs by Force, and in Contempt of the Eſtabliſh'd Church, keeping the *Preſbyterian* Miniſters out of the ſame, tho' actually ſent thither by the legal Authority, and this againſt ſeveral expreſs Acts of Parliament, and the Queen's late proclamation.

It appears, they are, *Firſt*, no legally ordain'd Miniſters, only licens'd by the *Non-Jurant* Biſhops.

Secondly, *Non-Jurors*— That's almoſt a Conſequence of being Intruders in *Scotland*.

Thirdly, They refuſe to pray for the Queen, and thoſe of them that did read the Common-Prayer——always paſs'd over the Collect for the Queen.

But I'll mention no more of the Charge, I refer you to the following Paper.

INFORMATION for Mr. John Blair, *Agent of the Kirk, and lawfully authoriz'd to the Effect after mention'd, and for her Majeſty's Advocate for her Highneſs Intereſt; againſt Mr.* John Gruh *a pretended Preacher*, *Mr.* Robert Lindſay *a Pretender, and Mr.* John Ochterlony *late Incumbent at* Balmerino, *and Mr.* John Ochterlony *Chamberlain to the Eſtate of* Melgum.

THE foreſaid four Perſons being convened before the Lords of Juſticiary, for their intruding into the Churches and Manſes mentioned in their Libel, without an orderly Call from the Paroches, and due Admiſſion from the Presbytery upon the Acts of Parliament libelled, and eſpecially the 22d Act of the Parliament 1695, Intituled, *Act againſt intruding into Churches*. The Libel is here held as repeated; and the Purſuer in the firſt Place inſiſted againſt the ſaid Mr. *John Gruh* and Mr. *Robert Lindſay*, for intruding into the Churches and Manſes of *Oxlo* and *Edzel*.

The Procurators in Defence did firſt propone a Declinator, alledging, that the Purſuer ſhould condeſcend, whether the ſaids Perſons intruded before or after the Act 1695; becauſe, if before, they were only to be purſued before the Lords of Privy Council; and if after, they were to be purſued before the Judges Ordinary, mention'd in the Act. But it being anſwer'd by the Purſuer, That he needed not condeſcend upon the Time of the Intruſion, otherways than he has done in the Libel, in Reſpect, that if they intruded before the Act of Parliament 1695, and were thereon

thereon convenable before the Privy-Council, her Majesty hath by her Proclamation remitted the Prosecution to the Lords of Justiciary; and if they intruded after the Act 1695, the Prosecution was referred to the Judges Ordinary only for the more ready Execution, but no ways to exclude the Lords of Justiciary, even in the first Instance, specially since her Majesty by her Proclamation had recommended the Matter to them as said is.

The Lords repelled the Declinator.

Then the Procurators in Defence alledg'd no Process, because by the Act of Parliament 1695, the Prosecution against Intruders was remitted to the Judges Ordinary, upon Complaint from the Presbytery of the Bounds, or any Person having Warrant from them; so that the Presbyteries Warrant should have been produced, and given out with the Libel.

To which it was answer'd, 1. That the Act of Parliament did ordain Process at the Instance of any having the Presbyteries Warrant, for the greater Dispatch, and that Presbyteries might not be tied to Procurators Fiscal before these inferior Courts, but might pursue by their own Procurator, which could never be interpret to hinder Presbyteries to pursue by the Agent for the Kirk, before the Lords of Justiciary. But,

2. Mr. *John Blair* the Pursuer is not only Agent for the Kirk, and hath the Concourse of her Majesty's Advocate, but has also a particular Warrant in Writ from the Presbyteries, to pursue this Process; Which Warrant is in the Clerks Hands. And whereas it was answer'd, That the Warrant ought to have been given out with the Libel. It was reply'd, No Necessity for it, it being sufficient, that the Warrant is now produc'd in the Clerks Hands, which is all that the Act of Parliament requires in any Case, and more than is requisite in this Case. And furder, it is Notour, that when her Majesty's Advocate pursues any Person for Treason, to which her Majesty's Warrant is requisite, it is always found sufficient for the Advocate to produce his Warrant, when the Libel is call'd and insisted in, and that therefore the Dilator ought to be repelled.

3. The Procurators in Defence alledg'd for the Pannels, that they could not be removed, unless the Churches had been declar'd vacant; and that tho' they had been declar'd vacant, the foresaid Act of Parliament did still require, that Intruders should be first prosecute before inferior Magistrates, nothing of which was here done.

To which it was answer'd for the Pursuer. 1. That the Churches were certainly vacant, and so declar'd to be *de jure* by the very Act of Parliament, in so far as the Defenders did produce no lawful Call and Admission, which was enough to qualifie them to be Intruders. 2. They were in Effect not so much as Ministers, in Regard that both these Defenders, Mrs. *Gaub* and *Lindsay* were only licensed and ordain'd by Exauctorate Bishops, as they themselves could not deny, which signify'd nothing. 3. For any thing that appears, neither of the Two are qualify'd, by taking the Oath of Allegiance, and praying for the Queen *Nominatim*, as the Law requires; and therefore ought to be discharged to preach any where. But 4. These Churches are also declared vacant by Acts of the Presbyteries, and of the Commission of the Church produced in the Clerks Hand. But 5. *Esto* that it were not so, yet these two Pannels are certainly Intruders, having no lawful Call and Admission, and consequently ought to be removed in the Terms of the Libel.

4. It was alledg'd for the Pannels. That there was *Lis pendens* against them for their Intrusion, before the Sheriff: Like as, the Sheriff-Clerk, one *Ogilvy*, had given a Certificate thereon, which was read in Court.

To which it was answer'd, That the Certificate was of no Value, because it was indeed only impetrate by the Pannels from the said Clerks after the raising of this Process, and on purpose to frustrate the same. But 2. Whatever was done before the Sheriff, as indeed there was nothing at the Presbyteries Instance, yet there having been no Litis-contestation in the Matter, the Agent for the Kirk might freely lift and abandon that Process, to prosecute the said Affair before the Lords of Justiciary: And there-

therefore since the Pannels had no Shadow of Defence, they ought to be sentenc'd to remove, in the Terms of the Conclusion of the Libel.

In Respect whereof, &c.

The Information against the Rest is particular—but to the same Purpose; and will come in its Course.

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N. B. His Mother, the Widow of the late Mr. *Christopher Bartlett*, lives at his House in *Goodman's-Fields*, and is very skilful in the Business of her own Sex.